

Remarks

The Response to Rule 312 Communication (“the Response”) mailed on August 13, 2009 indicates that the amendment filed by the Applicant on August 7, 2009 under 37 C.F.R. § 1.312 (“the Amendment”) was entered in part. The Applicant respectfully requests that the Amendment be reconsidered and entered into the record in its entirety in light of the following remarks.

Amendments to the Claims

The Response indicates that the amendment to the claims set forth in the Amendment was entered as directed to matters of form not affecting the scope of the claimed invention. The Applicant appreciates this action by the Examiner.

Amendments to the Drawings

The Response indicates that the amendments to Figures 1D, 2, 3, 6, 8, 9, and 10 were not entered because the Applicant failed to clearly identify what was changed by way of these amendments. In the Amendment, the Applicant indicates that amendments were made to Figures 1D, 2, 3, 6, 8, 9 and 10 to correct typographical errors, to add or correct labels, and to put the drawings into compliance with 37 C.F.R. §1.84. No substantive changes were made. In order to facilitate entering of these amendments into the record, the Applicant submits the following list of changes made to the drawings:

1. The Applicant amended Figure 1D to add the reference numeral 24 to coincide with the specification on page 10, line 16;
2. The Applicant amended Figure 2 to change the color of the word “WAVEBLASTER” from gray to black because it did not show clearly on some print-outs;
3. The Applicant amended Figure 3 to remove the black background from the depiction of the sound card in order for the lead lines on the reference labels to show more clearly;
4. The Applicant amended Figure 6 to remove reference numerals 645 and 690 because those numerals are not referenced in the specification;
5. The Applicant amended Figure 8 to change the reference numeral of the box containing the text “Pass” from 845 to 850 since the reference numeral 845 was used twice in the figure;

6. The Applicant amended Figure 9 to remove reference numeral 990 because that reference numeral is not referenced in the specification; and
7. The Applicant amended Figure 10 to change the text of the box labeled 1015 from “Record Noise Through Line Through Wave-Out” to “Record Noise In Line Through Wave-Out” to clarify the grammar of the text in light of the description of the box in the specification. The Applicant also removed reference numeral 1090 because that numeral is not referenced in the specification.

In light of this enumeration of the changes made to the drawings in the Amendment, the Applicant respectfully requests that the amendments to the drawings be entered as originally set forth in the Amendment.

Amendments to the Specification

The Response indicates that the amendment to the specification was not entered because the second modification to the paragraph at page 17, line 23 through p. 18, line 8, alters the content of the specification as originally filed. The Applicant respectfully disagrees. The modifications to this paragraph were made to properly reference the corresponding boxes in Figure 5. The Applicant submits that no substantive changes were made either to the text of the boxes in the figure or to the description in the modified paragraph.

The Applicant’s arguments regarding this paragraph notwithstanding, the Applicant further submits that the remaining modifications to the specification were not properly refused entry based on the one cited modification in the Response. The M.P.E.P. § 714.16(d) provides:

“When an amendment under 37 CFR 1.312 is proposed containing plural changes, some of which may be acceptable and some not, the acceptable changes should be entered. An indication of which changes have and have not been entered with appropriate explanation should follow in bracket 2.”

The Applicant submits that the grounds for refusal to enter the remaining modifications to the specification were not given in the Response, and that no grounds for refusal of the remaining modifications to the specification exist. In light of these arguments, the Applicant respectfully requests that the remaining amendments to the specification be entered as originally set forth in the Amendment.

Conclusion

In view of the foregoing remarks, the Applicant respectfully requests that the Amendment be reconsidered and entered into the record in its entirety. If the Examiner has any questions or comments concerning this matter, the Examiner is invited to contact the applicant's undersigned attorney at the number below.

Respectfully submitted,

HOPE BALDAUFF HARTMAN, LLC

Date: September 11, 2009

/W. Randy King/
W. Randy King
Reg. No. 64,220

Hope Baldauff Hartman, LLC
1720 Peachtree Street, N.W.
Suite 1010
Atlanta, Georgia 30309
Telephone: 404.815.1900

